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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

**UNITED STATES OF AMERICA,**

Plaintiff,

V.

RICHARD LAURENCE STEWART,

**Defendant.**

) CASE NO. 3:15-CR-0502 WHA

3

) STIPULATION AND [PROPOSED] ORDER  
 ) EXCLUDING TIME UNDER THE  
 ) SPEEDY TRIAL ACT FROM JANUARY 12,  
 ) 2016 TO JANUARY 26, 2016.

Defendant.)

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On January 12, 2016, the defendant's coun

On January 12, 2016, the defendant's counsel appeared before this Court. The defendant, Richard Laurence Stewart, was not present. At the hearing, the Court directed the parties to appear on January 26, 2016, for a further status conference. The parties agree that the additional time is necessary due to the defendant's unavailability and for effective preparation of counsel. Therefore, the parties agree and jointly request that the time between January 12, 2016, and January 26, 2016, should be excluded in order to obtain the defendant's availability and appearance pursuant to 18 U.S.C. § 3161(h)(3)(A) and in order to provide reasonable time necessary for the effective preparation of counsel pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv). The parties agree that the ends of justice served by granting the continuance outweigh the best interest of the public and the defendant in a speedy trial.

**STIPULATION AND ~~PROPOSED~~ ORDER  
CASE NO. 3:15-CR-502 WHA**

1 DATED: January 12, 2016

Respectfully Submitted,

2 BRIAN J. STRETCH  
3 Acting United States Attorney

4 /s/ Shailika Kotiya  
5 SHAILIKA S. KOTIYA  
6 Assistant United States Attorney

7 OFFICE OF THE FEDERAL  
8 PUBLIC DEFENDER

9 /s/ Elizabeth Falk  
10 ELIZABETH FALK  
11 Attorney for Defendant Richard Laurence Stewart

12 **[PROPOSED] ORDER**

13 For the reasons stated above, the Court finds that the exclusion of time from January 12, 2016,  
14 through and including January 26, 2016, is warranted and that the ends of justice served by the  
15 continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C.  
16 § 3161(h)(7)(A). The failure to grant the requested continuance would fail to secure the defendant's  
17 availability, would deny effective preparation of counsel, and would result in a miscarriage of justice. 18  
18 U.S.C. §§ 3161(h)(3)(A) and (h)(7)(B)(iv).

19  
20 IT IS SO ORDERED.

21  
22 DATED: January 19, 2016.

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25 HON. WILLIAM ALSUP  
26 United States District Court Judge